

III. Remarks

A. Status of the Application

Claims 35, 38, and 40-54 will be pending after entry of the present paper. Claims 35, 38, and 40-56 were previously pending. In an effort to further prosecution, claims 55 and 56 are canceled by the present paper without prejudice to or disclaimer of the subject matter therein. Also, claims 35 and 45 have been amended as suggested by the Examiner to put claims 35, 38, and 40-54 in condition for allowance. Reconsideration of the application is respectfully requested in light of the above amendments and the following remarks.

B. Claim Rejections Under 35 U.S.C. § 112

Claims 35, 38, and 40-54 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In that regard, the Office Action states that “Claims 35 and 45 each recite ‘such that at least the third and fourth surfaces of the center member are not deformed by the sliding articulating engagement between the center member and the first and second members’” and goes on to note that “if the above quoted recitation were deleted from the claims, the above claims would seemingly be allowable.” Accordingly, Applicants have deleted the noted limitations from claims 35 and 45. Claims 38, 40-44, and 46-54 depend from and further limit claims 35 and 45. Thus, Applicants submit that claims 35, 38, and 40-54 satisfy the requirements of 35 U.S.C. § 112, first paragraph and, therefore, are in condition for allowance.

C. Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claims 55 and 56 stand rejected under 35 U.S.C. §§ 102 and 103. Claims 55 and 56 are canceled by the present paper. Accordingly, these rejections are moot and will not be addressed at this time.

IV. Conclusion

It is believed that all matters set forth in the Office Action have been addressed and that all of the pending claims are in condition for allowance. Accordingly, an indication of allowability is respectfully requested.

The Office Action contains characterizations of the claims and the related art to which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in this or any other Office Action.

Should the Examiner deem that an interview with Applicants' undersigned attorney would further prosecution, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



Gregory P. Webb
Registration No. 59,859

Dated: 7-28-09

HAYNES AND BOONE, LLP
Customer No.: 46333
Telephone: 972/739-8641
Facsimile: 214/200-0853
Client Matter No.: 31132.195/PC1005.00
R-232757_1.DOC

Certificate of Service
I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on <u>7-28-09</u>
<u>Gayle Conner</u> _____ Gayle Conner